

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

XEZAKIA ROUSE,
Plaintiff,

v.

No. CV 11-0433 MV/CG

SGT. TOBY L. BACA,
OTHER UNNAMED SGT.,
Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's *Motion (Second) for Federal Intervention and Request for Jury Trial*, (Doc. 69). Plaintiff again states that prison officials are tampering with his legal mail. Specifically, he contends that prison officials tampered with his objections to the Court's *Proposed Findings and Recommended Disposition* and that they either removed or rearranged several pages from his objections prior to their delivery to the Court. (*Id.* at 1-2 (stating that pages 2, 4, 6, and 8 are missing from the objections and that his exhibit list has been rearranged)). He states that prison officials are acting in a manner which makes him fear for his safety and he again asks for "federal intervention." (*Id.*).

Plaintiff's recent motions indicate that he has had some difficulty ensuring that legal mail is delivered to the Court in a timely fashion. (Doc. 66; Doc. 68). Despite his belief that the delays are being caused by prison officials attempting to restrict his legal access, Plaintiff has been able to file numerous pleadings with the Court, including multiple motions, letters, as well as the incomplete objections. (See Doc. 62 (*Motion for Extension of Time for Objection*); Doc. 63 (*Untitled Letter*); Doc. 65 (*Untitled Letter*); Doc. 66 (*Motion for Immediate Federal Intervention and for Second Extension*); Doc. 67 (*Plaintiff's Objection*

to PFRD); Doc. 69 (*Motion (Second) for Federal Intervention and Request for Jury Trial*)). Plaintiff's claim that the recent delays are the result of a conspiracy among prison officials appears unfounded at this juncture.

Nevertheless, the Court agrees that Plaintiff's objections do appear to be incomplete and missing several pages. As such, Plaintiff is invited to file another copy of his objections (or simply the missing pages if he wishes) with this Court. The Court will grant Plaintiff another extension of time so as to afford him sufficient time to file his objections.

IT IS THEREFORE ORDERED that, inasmuch as Plaintiff's *Motion (Second) for Federal Intervention and Request for Jury Trial* seeks "federal intervention" with regard to his legal mail, the request is **DENIED**. However, the Court will grant Plaintiff another opportunity to file objections to the Court's *Proposed Findings and Recommended Disposition* and will provide him with an extension of time until March 12, 2012, accordance with this Order.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE